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DRAFT
TITLE SEARCH ADDENDUM
SOUTH DAYTON DUMP SITE

Moraine, Montgomery County, Ohio

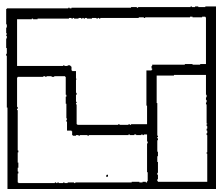
Prepared for
U. S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Contract No. 68-W-00-083
Task Order No. 083-010

Prepared by
TechLaw, Inc.
105 West Madison, Suite 900
Chicago, Illinois 60602

May 30, 2003

ENFORCEMENT CONFIDENTIAL



TECHLAW. INC.

000001

**DRAFT TITLE SEARCH ADDENDUM
SOUTH DAYTON DUMP SITE**

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**DRAFT TITLE SEARCH ADDENDUM
SOUTH DAYTON DUMP SITE**

Moraine, Montgomery County, Ohio

Contract No.:	68-W-00-083
Task Order No.:	083-010
Site No.:	B52B
EPA TOM:	Deena Sheppard-Johnson
Telephone No.:	312/866-7048
TechLaw TOM:	Bill Hopkins
Telephone No.:	312/345-8967

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ATTACHMENTS

Records Summary Table

Maps

Performance Checklist

Referenced Documents (not previously submitted)

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1.0 INTRODUCTION

1.1 Scope of Work

The U.S. Environmental Protection Agency (EPA) Region 5 Task Order Manager (TOM) for Task Order No. 083-010 requested assistance from TechLaw, Inc. (TechLaw), during a February 24, 2003 meeting, to provide information on Lots 5171 and 5054, which are adjacent to the South Dayton Dump site. The intent was to supplement the existing Title Search Report, which had been submitted to U.S. EPA on March 27, 2001. The specific objectives of the request were the following:

- ▶ to identify current owners for both lots;
- ▶ to establish if Valley Asphalt Corporation owned, or had ever owned either of the lots;
- ▶ to search deed records for leases or references to unrecorded leases, which showed Valley Asphalt Corporation or other entities as current or former lessees of either of the lots; and
- ▶ to confirm that members of the [non responsive] family and/or the [non responsive] family were either current or former owners of both of the lots.

1.2 Performance of Work

In accordance with the update request, TechLaw traveled to Dayton, Ohio, the county seat of Montgomery County, to obtain and review records and other information from the following sources:

- ▶ Montgomery County Auditor's office, Dayton, Ohio (current tax records)
- ▶ Montgomery County Recorder's office, Dayton, Ohio (title records and maps)

Some information and support documents were also obtained from the Montgomery County Internet Website.

1.3 Site Location and Description

The South Dayton Dump site is located along the north side of the City of Moraine, a suburb to Dayton, in Montgomery County, Ohio (Figure 1). It is bounded on the west by the Great Miami River and on the east by East River Road and Dayton Road. The two lots of interest, 5054 and 5171, bound the South Dayton Dump site on its north side (Figure 2).

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1.4 Organization of the Addendum

Addendum findings are presented in three sections: (1) Introduction, which provides an outline of the work performed and the location of the two lots in relation to the original South Dayton Dump site; (2) Research Results for the two lots; and (3) the Summary of the issues encountered during the research. The research results are summarized in a table, which incorporates by reference some of the documents included in the previous report. Copies of the newly acquired documents are attached to this report. Plat maps of the two lots, newly obtained from Montgomery County, are also attached, along with an additional copy of the [non responsive] & [non responsive] Plat, which shows the relationship between the original South Dayton Dump site and the two additional lots.

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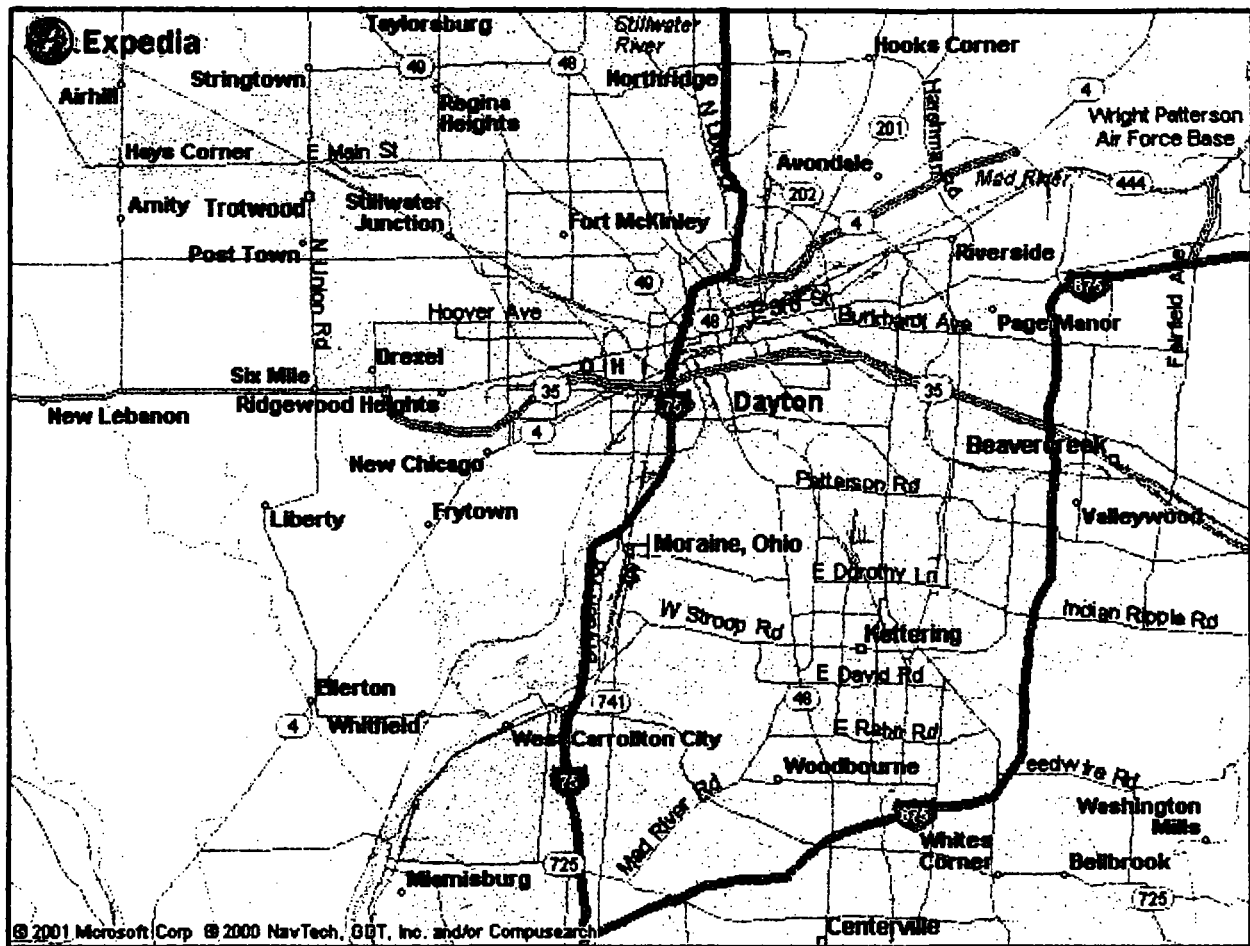


Figure 1. Location Map

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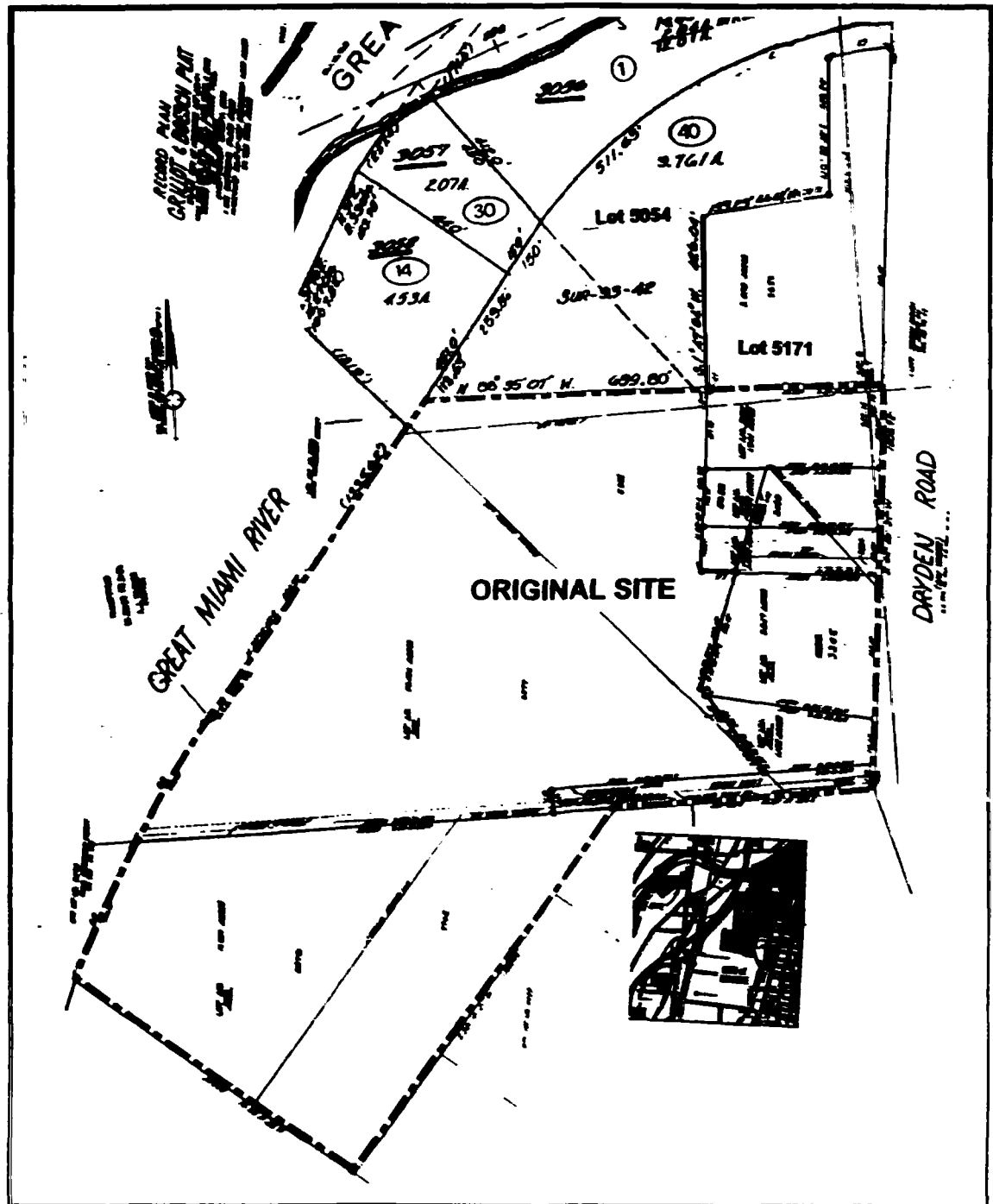


Figure 2. Map with the Two Lots Shown in Relation to the Original Site

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2.0 RESEARCH RESULTS

2.1 Ownership of Lot 5171

City Lot 5171 was formerly platted as Lot 5655. The date of the change in designation is not known, but both the old and the current numbers appear on the Record Plan of the [non responsive] & [non responsive] Plat dated May 5, 1999 (see attachments). Tax records reviewed at the Montgomery County Auditor's office show [non responsive] [non responsive] as the current owner of record. The same document shows Katherine [non responsive] name and address as the payer of taxes on the property (Ref. A6). Both of these women were confirmed as the current owners by deed records which show that [non responsive] inherited her interest from [non responsive] in 1999, and Ms. [non responsive] acquired her interest through inheritance from [non responsive] in 1980 and subsequent conveyances to her by co-heirs (Refs. 16, 17, 19, 20, 23).

Not all of these instruments specifically list Lot 5171 or its predecessor, Lot 5655, in the description of the real property conveyed. The property, of which this lot is believed to be a portion, is formed by two large tracts. The first, approximately 49 acres in size, was acquired by [non responsive] in 1937 (Ref. 5). The second, approximately 30 acres in size, was acquired by [non responsive] in 1945 (Ref. 8). [non responsive] and his wife [non responsive] also known as (AKA) [non responsive] conveyed undivided one-half interests in both tracts to [non responsive] in 1947 and 1950, respectively (Refs. 9, 10). The disposition of [non responsive] estate in 1980 (a corrected version was re-filed in 1982) and [non responsive] estate in 1998, resulted in the change in ownership of the lot in question to the family members who currently hold the property (Refs. 16, 23).

2.2 Ownership of Lot 5054

City Lot 5054 was formerly platted as Lots 3059 and 3060. The date of the change in designation is not known, but both sets of numbers are listed in the legal description in the Warranty Deed executed on May 7, 1993 (Ref. A3). Tax records reviewed at the Montgomery County Auditor's office show Valley Asphalt Corporation as both the current owner and the payer of taxes on the property (Ref. A5). The same records show this is the only piece of real estate currently held by Valley Asphalt Corporation in Montgomery County.

Deed records show that [non responsive] and [non responsive] conveyed the property to Valley Asphalt Corporation on May 7, 1993 (Ref. A3). On the same date the parties executed a Mortgage, which stated that until the defined statutory conditions were met, [non responsive] and [non responsive] retained an undivided 9/16 interest in the property, and [non responsive] retained the remaining 7/16 undivided interest (Ref. A4). This set of transactions occurred after the death of [non responsive] and before the death of [non responsive]. For reasons not stated, just prior to the

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conveyance and mortgage transactions, [non responsive] and [non responsive] created a trust for the property and then transferred the real assets out of the trust back to themselves as individuals (Refs. A1, A2). Both deeds were recorded on July 27, 1993.

Lot 5054 (previously Lots 3059 and 3060) is also presumed to be a portion of one or both of the large tracts originally acquired by [non responsive] in 1937 and 1945, with a one-half undivided interest subsequently conveyed to [non responsive] in 1947 and 1950.

2.3 Leases

County lease indices were searched for recorded leases associated with either Lot 5171 or Lot 5054 from 1980 to the present, and no leases were found. There is no requirement that leases be recorded. However, the existence of a lease is sometimes acknowledged in other instruments, such as deeds, mortgages, and financial statements, that might be affected by the presence of an additional party with rights to the property. All conveyance instruments, including those previously submitted with the Title Search Report on March 27, 2001, and those attached to this Addendum Report, were reviewed specifically to search for reference to leases of either Lot 5171 or Lot 5054. None was found.

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3.0 SUMMARY

Lot 5171 (formerly Lot 5655) and Lot 5054 (formerly Lots 3059 and 3060) were part of two large tracts of land acquired by [non responsive] in 1937 and 1945 and subsequently co-owned with [non responsive] beginning in 1947 and 1950. Therefore, Lot 5171 has been owned by members of the [non responsive] and/or [non responsive] families since at least 1945. Lot 5054 was also owned by members of the [non responsive] and/or [non responsive] families since at least 1945 until it was acquired by the Valley Asphalt Corporation, the current owner, in 1993.

The legal descriptions supplied for the two large, original tracts, long owned by the [non responsive] and [non responsive] families, date from 1937 and 1945. While outlines of the lots can be plotted from the metes and bounds descriptions provided in the deeds, neither is tied to a contemporary, recognizable landmark. Landmarks cited in the descriptions include a rock, the shoreline of the river, property once owned by given individuals, and a road, which either no longer exists, has been relocated, or undergone a name change. However, these early documents are referenced as prior instrument records in later deeds, which contain more reliable descriptions with contemporary landmarks, and clearly describe Lots 5171 and 5054.

Coupled with this difficulty in precisely locating the lots of interest through time, are the multiple phases of sub-dividing which have occurred in the area over the years. Lot numbers in property descriptions in older conveyance documents cannot always be relied upon to be either complete or accurate. However, prior instrument records linked to more recent instruments in the chain of title which clearly and accurately document Lot 5171 and/or Lot 5054 have been relied upon, even when the relationship cannot be independently confirmed.

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Records Summary Table

Ref. No. ¹	Instrument Type	Grantor	Grantee	Execution Date	Filing Date	Recording Date	Book/Page or Microfiche	Land Description	Comments
5	Warranty Deed	Crescent Properties, Inc.	non responsive	12/28/1937	12/28/1937	12/28/1937	834/170	49.87-acre tract with 25.10 acres reserved	Rose Sindell signed as President and Horace Neher signed as Secretary.
8	Warranty Deed	non responsive	non responsive	05/05/1945	05/12/1945	05/12/1945	1097/103	Approximately 30 acres in north part of Section 13, T1, R7	-----
9	Warranty Deed	non responsive	non responsive	09/12/1947	10/13/1947	10/13/1947	1249/360	30-acre tract (same as Ref. 8)	Conveys an undivided 1/2 interest.
10	Warranty Deed	non responsive	non responsive	01/09/1950	01/16/1951	01/16/1951	1438/195	Parcel 1: (0.10 acre) and Parcel 2 (49.87 acres with 25.10 acres reserved)	Conveys an undivided 1/2 interest.
13	Certificate of Transfer	non responsive	non responsive	06/23/1980	06/23/1980	06/23/1980	80-0057-A01	Parcel 6: Lots 3204, 3205, 3206, 3276, 3277, and 3499	Conveys an undivided 1/2 interest. Certificate also transferred other parcels.
14	Deed	non responsive	non responsive	02/11/1981	02/12/1981	02/12/1981	81-0056-E07	Lots 3204, 3205, 3206, and 3276	Conveys an undivided 1/16 interest.

Records Summary Table

Ref. No. ¹	Instrument Type	Grantor	Grantee	Execution Date	Filing Date	Recording Date	Book/Page or Microfiche	Land Description	Comments
15	General Warranty Deed	non responsive	non responsive	07/15/1982	07/16/1982	07/16/1982	82-0273-A07	Lots 3499, 3206, and 3277	-----
16	Corrected Certificate of Transfer	non responsive	non responsive	08/12/1982	08/12/1982	08/12/1982	82-0322-B03	Corrects the description to exclude Lots 3204 and 3205	-----
17	Corrected Warranty Deed	non responsive	non responsive	08/20/1982	08/20/1982	08/20/1982	82-0335-E07	Parcel 5 (same as Parcel 6 in Certificate of Transfer)	Conveys an undivided 1/16 interest.
19	General Warranty Deed	non responsive	non responsive	07/31/1984	08/01/1984	08/01/1984	84-0355-C01	Parcel III (Lots 3499, 3206, and 3277)	Conveys an undivided 1/16 interest.
20	General Warranty Deed	non responsive	non responsive	06/06/1991	06/10/1991	06/10/1991	91-0303-A11	Parcel III (Lots 3499, 3206, and 3277)	Conveys an undivided 1/16 interest.
A1	Deed	non responsive	K & M Title Agency, Inc., Trustee	Unknown	Unknown	07/22/1993	93-0452-B06	Part of Lots 3059, 3060, and 5055	-----
A2	Deed	K & M Title Agency, Inc., Trustee	non responsive	Unknown	Unknown	07/22/1993	93-0452-B08	Part of Lots 3059, 3060, and 5055	-----

Records Summary Table

Ref. No. ¹	Instrument Type	Grantor	Grantee	Execution Date	Filing Date	Recording Date	Book/Page or Microfiche	Land Description	Comments
A3	Deed	non responsive	Valley Asphalt Corporation (Ohio)	05/07/1993	07/22/1993	07/22/1993	93-0452-B03	Part of Lots 3059 and 3060, now numbered 5054	-----
A4	Mortgage	Valley Asphalt Corporation	non responsive	05/07/1993	07/22/1993	07/22/1993	95-2851-E06	Part of Lots 3059 and 3060, now numbered 5054	-----
21	Quit Claim Deed	non responsive	non responsive	06/23/1998	12/17/1998	12/17/1998	98-0849-B12	Parts of Lots 3204, 3276, and 3742	Conveys an undivided 7/16 interest.
22	Quit Claim Deed	non responsive	non responsive	06/23/1998	12/17/1998	12/17/1998	98-0849-C11	Lot 3742	Conveys an undivided 7/16 interest.
23	Certificate of Transfer	non responsive	non responsive	05/05/1999	05/05/1999	05/05/1999	99-0309-D07	Parcel IV: comprised of parts of Lots 3276 and 3277; Parcel V: Lots 3742 and 3277	-----

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**Title Search Addendum
South Dayton Dump Site**

Records Summary Table

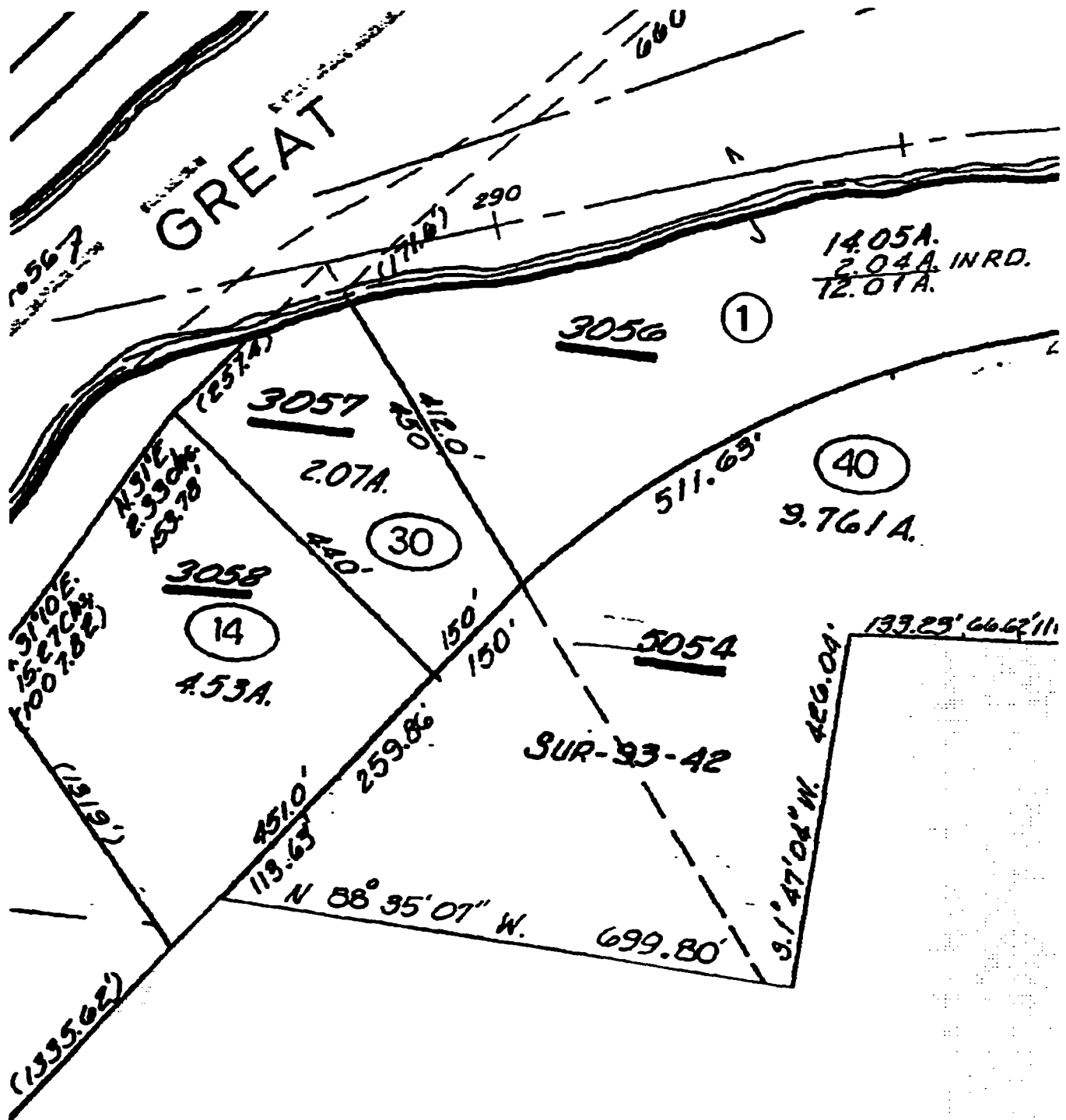
Ref. No. ¹	Instrument Type	Grantor	Grantee	Execution Date	Filing Date	Recording Date	Book/Page or Microfiche	Land Description	Comments
A5	Real Estate Records	Montgomery County	Valley Asphalt Co., owner	2002	NA	NA	NA	Part of Lots 3059 and 3060	Valley Asphalt Corporation's only current real estate holding in Montgomery County.
A6	Real Estate Records	Montgomery County	non responsive	2002	NA	NA	NA	Lot 5171 Grillot & non responsive Plat	Tax payer is listed as non responsive

¹ Reference numbers preceded by an "A" were collected for this Addendum, and copies are included in the attachments to this report. The other Reference Numbers originated in the South Dayton Dump Site Title Search Report submitted on March 27, 2001, and copies may be located in that report.

Montgomery County
Karl L. Keith, Auditor

Parcel Number: J44-041-02-0040
Owner Name: ASPHALT VALLEY

Location: 1903 DRYDEN RD
Improvement Value: 102190 Land Value: 239980
Class: C/99



000018

This map is for assessment use only and does NOT represent a survey.
No liability is assumed for accuracy of the data delineated herein.
See the recorded documents for detailed legal information.
MAP NOT TO SCALE.

Public

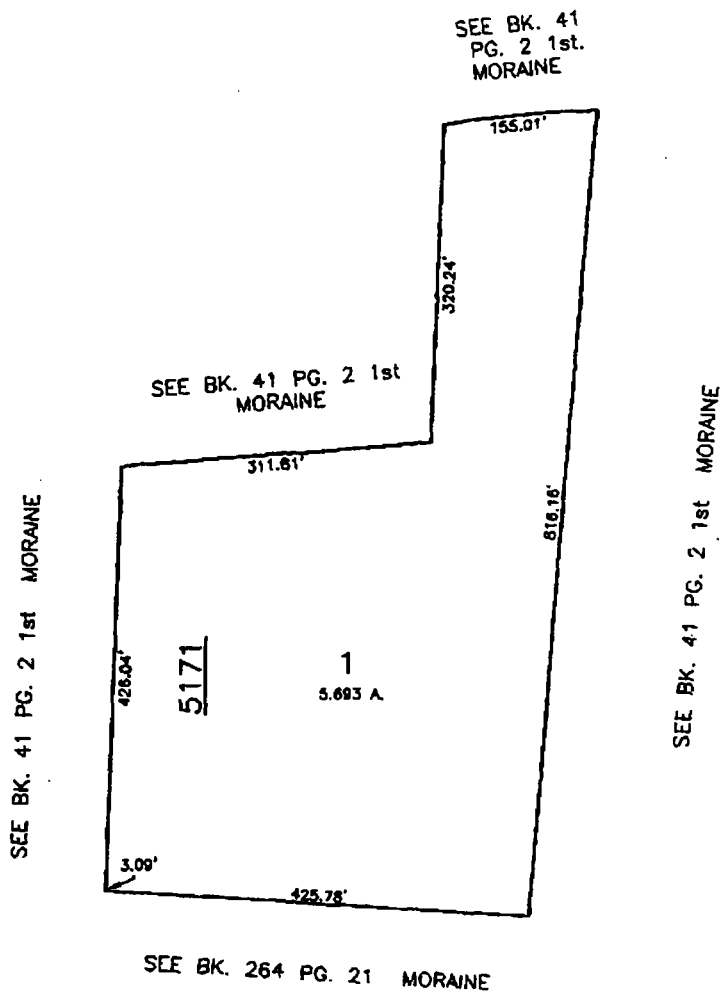
Name/Account Number

3.710

**Montgomery County
Karl L. Kelth, Auditor**

Parcel Number: 144-264-20-0001
Owner Name: non responsive

Location: non responsive
Improvement Value: 277020 Land Value: 284650
Class: C/55 Recorder's Fiche: 99-327-C12



000019

This map is for assessment use only and does NOT represent a survey.
No liability is assumed for accuracy of the data delineated herein.
See the recorded documents for detailed legal information.
MAP NOT TO SCALE

Name/Account Number
Public

References

000022

**ENFORCEMENT SUPPORT SERVICES
RFO # 083-024 - TITLE SEARCH
PERFORMANCE CHECKLIST
SITE NAME Addendum to South Dayton Dump**

<u>Task</u>	<u>Requested</u>	<u>Completed</u>	<u>Explanation If Not Completed</u>
Review relevant title documents for required time period (____ to ____)	yes	yes	
Current Tax Records	yes	yes	
Historic Tax Records (years: ____ to ____)	no		
Deeds, Leases, Easements, Liens, Releases, Foreclosures	yes	no	No recorded leases or references to unrecorded leases were located.
Mortgages, Releases	yes	yes	
Other (specify)	no		
County Parcel/Plat Map	yes	yes	
Identify: Current and Former Owners Current and Former Operators	yes yes	yes yes	No non-owner operators were located.
Provide Copies of documents: uncertified certified	yes no	yes	
Develop graphic: Title Tree Other (specify)	no		

000023

ENFORCEMENT SUPPORT SERVICES
RFO # 083-024 - TITLE SEARCH
PERFORMANCE CHECKLIST
SITE NAME Addendum to South Dayton Dump

<u>Task</u>	<u>Requested</u>	<u>Completed</u>	<u>Explanation If Not Completed</u>
Develop Chain of Title	expand from previous	yes	
Provide Title Report (specify format)	yes	yes	
Obtain Aerial Photographs Years: _____	no		
Prepare overlay (specify)	no		
Obtain Sanborn maps	no		
Conduct Lessee/Operator Searches	no		
Historic Directories	no		
Other (Specify)	none		
Plot parcels of interest on plat maps	no		
Plot hazardous waste sites on county maps	no		
Conduct corporate research	no		

000024

ENFORCEMENT SUPPORT SERVICES
RFO # 083-024 - TITLE SEARCH
PERFORMANCE CHECKLIST
SITE NAME Addendum to South Dayton Dump

Task	Requested	Completed	Explanation If Not Completed
Obtain copies of documents: uncertified certified	yes no	yes	
Obtain Dun and Brad Street financial evaluations	no		
Search city, county, and township records	no		
Building permits/blueprints	no		
Demolition permits	no		
Reports of inspections	no		
Other (specify)	none		
Conduct land survey	no		
Other tasks (specify)	none		

INDEX TO ATTACHED DOCUMENTS

<u>Ref.. No.</u>	<u>Document or Source</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Execution Date</u>	<u>Tax Parcels and/or Lots</u>
A1	Deed	non responsive	K & M Title Agency, Inc., Trustee	Unknown	Part of Lots 3059, 3060, & 5055
A2	Deed	K & M Title Agency, Inc., Trustee	non responsive and non responsive	Unknown	Part of Lots 3059, 3060, & 5055
A3	Deed	non responsive	Valley Asphalt Corporation (Ohio)	05/07/1993	Part of Lots 3059 and 3060, now numbered 5054
A4	Mortgage	Valley Asphalt Corporation	non responsive non responsive	05/07/1993	Part of Lots 3059 and 3060, now numbered 5054
A5	Real Estate Records	Montgomery County	Valley Asphalt Co., owner	2002	Part of Lots 3059 and 3060
A6	Real Estate Records	Montgomery County	non responsive owner	2002	Lot 5171 non responsive & non responsive Plat


MONTGOMERY
 COUNTY, TEXAS

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Name
Document
Municipality
Subdivision
Section/Town/Range
Instrument ID
Address
Service Discharge
Microfiche Number
Index Search
Veterans Gravesites
Books

Montgomery County Recorder

Name Search

Name Last First MI K & M title agencyName Type All Sort Ascending Dates 01/01/1980 to 03/28/2003[Account Login](#)

Instrument Master For "DEED-93-015288"

Deed Transfer

Recorded Date	07/22/1993
Legal Description	PT LTS 3059&3060&5055 MORA
Amount	\$0.00
Fiche Number	93-004521306

Number of Legals	3
Fee Amount	\$14.00
Cross Reference	
Number Pages	0

Names

First Party

Second Party

K & M TITLE AGENCY INC TR

Legal Descriptions

Legal Description	Acres	Other	Cross Reference	Reason	Formerly Known as
LT 3059 PT MCRAINE	0				
LT 3060 PT MORaine	0				
LT 5055 PT MORaine	0				

Notes

Date	Operator	Note
------	----------	------

000028

Returned to

Name	Address	City	State	Zipcode	Date
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MONTGOMERY
 COUNTY, TEXAS

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Name
Document
Municipality
Subdivision
Section/Town/Range
Instrument ID
Address
Service Discharge
Microfiche Number
Index Search
Veterans Gravesites
Books

Montgomery County Recorder

Name Search

 Name (Last First MI)

 Name Type

 Sort

 Dates to

[Account Form](#)

Instrument Master For "DEED-93-015288"

Deed Transfer

Recorded Date	07/22/1993
Legal Description	PT LTS 3059&3060&5055 MORA
Amount	\$0.00
Fiche Number	93-00452B06

Number of Legals	3
Fee Amount	\$ 4.00
Cross Reference	
Number Pages	0

Names

First Party

non responsive

Second Party

K & M TITLE AGENCY INC TR

Legal Descriptions

Legal Description	Acres	Other	Cross Reference	Reason	Formerly Known as
LT 3059 PT MORaine	0				
LT 3060 PT MORaine	0				
LT 5055 PT MORaine	0				

Notes

Date	Operator	Note
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000029

Returned to

Name	Address	City	State	Zipcode	Date
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Home Help
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Name
Document
Municipality
Subdivision
Section/Town/Range
Instrument ID
Address
Service Discharge
Microfiche Number
Index Search
Veterans Gravesites
Books

Montgomery County Recorder

Name Search

Name (Last First MI)

Name Type Sort

Dates to

Instrument Master For "DEED-93-015289"

Deed Transfer

Recorded Date	07/22/1993
Legal Description	PT LTS 3059&3060&5055 MORA
Amount	\$0.00
Fiche Number	93-00452B08

Number of Legals	
Fee Amount	\$14.00
Cross Reference	
Number Pages	1

Names

First Party
K & M TITLE AGENCY INC TR

non responsive

Legal Descriptions

Legal Description	Acres	Other	Cross Reference	Reason	Formerly Known as
LT 3059 FT MORaine	0				
LT 3060 FT MORaine	0				
LT 5055 FT MORaine	0				

Notes

Date	Operator	Note
------	----------	------

000031

Returned to

0015287

41-2-40
MORRIS

DIV
3620

LIB

GENERAL WARRANTY DEED

non responsive, of
Montgomery County, Ohio, for valuable consideration paid, grants,
with general warranty covenants, to

VALLEY ASPHALT CORPORATION, AN OHIO CORPORATION

whose tax-mailing address is 1901 Dryden Road, Dayton, Ohio 45439,

the following REAL PROPERTY:

Q2495 #02 688.60

DESCRIPTION SHOWN IN FULL ON EXHIBIT "A" ATTACHED HERETO

Subject to all covenants, conditions, restrictions and easements of
record affecting said premises, which are presently in force.

Excepting the December, 1993 installment of taxes and assessments,
and all taxes and assessments thereafter, which the grantee herein
assumes and agrees to pay as part of the consideration hereof.

Prior Instrument Reference: Microfiche Nos. 82-372-B03, 82-335-
B07, 83-273-A09, 84-355-C01 and 91-303-A11, all of the Deed Records
of Montgomery County, Ohio.

non responsive one of the grantors
in the foregoing deed, releases all rights of dower therein.

Witness their hands this 7th day of May, 1993.

Signed and Acknowledged
in the presence of:

James C. Kiefer
Witness James C. Kiefer

Margaret D. Kline
Witness Margaret D. Kline

non responsive

STATE OF OHIO

COUNTY OF MONTGOMERY

SS:

BE IT REMEMBERED, That on this 7th day of May, 1993,
before me, the subscriber, a Notary Public in and for said state,
personally came non responsive, HUSBAND
AND WIFE, and acknowledged the signing thereof to be their
voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and
affixed my seal on the day and year aforesaid.

Margaret D. Kline
Notary Public

MARGARET D. KLINE, Notary Public
in and for the State of Ohio
My Commission Expires August 12, 1995

000033

DEED

93-0452

B03

Witness her hand this 7th day of May, 1993.

Signed and Acknowledged
in the presence of:

James C. Kiefer
Witness James C. Kiefer

Margaret D. Kline
Witness Margaret D. Kline

non responsive

STATE OF OHIO

COUNTY OF MONTGOMERY

SS:

BE IT REMEMBERED, That on this 7th day of May, 1993,
before me, the subscriber, a Notary Public in and for said state,
personally came non responsive UNMARRIED, and acknowledged the
signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and
affixed my seal on the day and year aforesaid.

VICKI D. PEGG
RECORDER

93 JUL 22 PM 1:41

MONTGOMERY CO. OHIO
RECORDED

Margaret D. Kline
Notary Public

MARGARET D. KLINE, Notary Public
in and for the State of Ohio
My Commission Expires April 29, 1995

This Instrument prepared by:

James C. Kiefer
KIEFER & MITCHELL
ATTORNEYS AT LAW
2 Riverplace, Suite 310
Dayton, Ohio 45405

DEED

93-0452

B04

000034

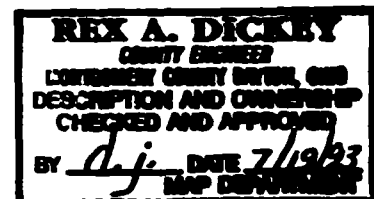
DESCRIPTION:

Situated in Sections 8 and 14, Town 1, Range 7 NRS., City of Moraine, Van Buren Township, Montgomery County, State of Ohio, and being Part of Lots Numbered Three Thousand Fifty Nine (3059) and Three Thousand Sixty (3060), now Lot Numbered Five Thousand Fifty Four (5054), and being more particularly described as follows:

Beginning at an existing iron pin in the south line of the Miami Conservancy District Land on the south side of the Great Miami River, said pin being in the west right-of-way line of Dryden Road (Broadway Street), 65.69 feet left of centerline station 88+13.56 as constructed from the Ohio Department of Transportation plans dated February 1, 1977, said pin also being the northeast corner of former Lot Numbered Three Thousand Sixty (3060); thence with said west right-of-way line South 4 degrees 00 minutes 43 seconds West 60.28 feet to an existing iron pin; thence leaving said right-of-way line with a curve to the left having a radius of 1141.85 feet, 155.01 feet to an iron pin, bearing and chord being South 84 degrees 13 minutes 51.3 seconds West 154.89 feet; thence with an existing fence line South 1 degree 50 minutes 39.8 seconds West 320.24 feet to an iron pin; thence continuing with an existing fence South 84 degrees 27 minutes 09.3 seconds West 111.78 feet to an iron pin; thence South 86 degrees 23 minutes 18.3 seconds West 66.62 feet to an iron pin; thence South 85 degrees 00 minutes 22.8 seconds West 133.23 feet to an existing fence post; thence South 1 degree 47 minutes 04 seconds West 426.04 feet to an iron pin; thence North 88 degrees 35 minutes 07 seconds West 699.80 feet to an iron pin in the south line of the Miami Conservancy District Land on the south side of the Great Miami River; thence with said south line North 36 degrees 21 minutes 17 seconds East 113.63 feet to an iron pin; thence North 36 degrees 21 minutes 19 seconds East 259.86 feet to an iron pin; thence North 39 degrees 19 minutes 18 seconds East 150.00 feet to an iron pin; thence with a curve to the right, having a radius of 1201.85 feet, 511.63 feet to an iron pin, bearing and chord being North 53 degrees 07 minutes 00 seconds East 507.78 feet; thence continuing with a curve to the right, having a radius of 1201.85 feet, 485.20 feet to the place of beginning, bearing and chord being North 76 degrees 53 minutes 12.9 seconds East 481.91 feet; containing 9.761 acres of land, of which 6.312 acres are in Lot No. 3060 and 3.299 acres are in Lot No. 3059.

Being the results of a survey by James A. Bonner, Registered Surveyor No. 6162.

EXHIBIT "A"



00538 10

AM

MORTGAGE

VALLEY ASPHALT CORPORATION, AN OHIO CORPORATION, for TWO HUNDRED TWENTY-ONE THOUSAND SIX HUNDRED FIFTY-EIGHT AND 50/100 DOLLARS (\$221,658.50) paid grants with mortgage covenants, to non responsive HUSBAND AND WIFE, FOR THEIR JOINT LIVES, REMAINDER TO THE SURVIVOR OF THEM, an undivided 9/16 interest, non responsive UNMARRIED, an undivided 7/16 interest, of non responsive the following REAL PROPERTY:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Mortgagor claims title to the above described property by virtue of Deed Microfiche Nos. 82-372-B03, 82-335-B07, 83-273-A09, 84-355-C01 and 91-303-A11, all of the Records of Montgomery County, Ohio.

This mortgage is given, upon the statutory condition, to secure payment of TWO HUNDRED TWENTY-ONE THOUSAND SIX HUNDRED FIFTY-EIGHT AND 50/100 DOLLARS (\$221,658.50) with interest as provided in a Note of even date.

"Statutory condition" is defined in Section 5302.14 of the Revised Code and provides generally that if the mortgagor pays the principal and interest secured by this mortgage, performs the other obligations secured hereby and the conditions of any prior mortgage, pays all taxes and assessments, maintains insurance against fire and other hazards, and does not commit or suffer waste, then this mortgage shall be void.

Witness its and his hand this 7th day of May, 1993.

Signed and acknowledged
in the presence of:

VALLEY ASPHALT CORPORATION,
AN OHIO CORPORATION

Witness John E. Eichstadt

By James P. Jurgensen
James P. Jurgensen, President

Witness Margaret D. Kline

STATE OF OHIO

COUNTY OF MONTGOMERY

SS:

BE IT REMEMBERED, That on this 7th day of May, 1993, before me the subscriber, a Notary Public in and for said state, personally came VALLEY ASPHALT CORPORATION, AN OHIO CORPORATION, by James P. Jurgensen, President, the Mortgagor in the foregoing Mortgage and acknowledged the signing thereof to be its and his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Margaret D. Kline
Notary Public

NOTARY PUBLIC, Notary Public
and for the State of Ohio
My Commission Expires April 23, 1995

This instrument was prepared by:
JAMES C. KIEFER
KIEFER & MITCHELL
ATTORNEYS AT LAW
2 Riverplace, Suite 310
Dayton, Ohio 45405

VICKI D. PEGG
RECORDER
93 JUL 22 PM 1:44
MONTGOMERY CO. CHIEF
RECORDED

000037

DESCRIPTION:

Situated in Sections 8 and 14, Town 1, Range 7 MRs., City of Moraine, Van Buren Township, Montgomery County, State of Ohio, and being Part of Lots Numbered Three Thousand Fifty Nine (3059) and Three Thousand Sixty (3060), now Lot Numbered Five Thousand Fifty Four (5054), and being more particularly described as follows:

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Being the results of a survey by James A. Bonner, Registered Surveyor No. 6162.

EXHIBIT "A"

Montgomery County Real Estate

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taxes](#)Current Parcel ID: J44
04102 0040Property Owner: VALLEY ASPHALT
CORPORATIONTax Year:
2002[Click to pay
taxes](#)

Master Information

Parcel	
Address	1903 DRYDEN ROAD
Class	C
Land Use Code	499
Neighborhood	C1103000
Total Acres	9.761

Tax Mailing Name and Address	
Mailing Name 1	VALLEY ASPHALT CORPORATION
Mailing Name 2	
Address 1	11641 MOSTELLER RD
Address 2	
Address 3	CINCINNATI OH 45241 1520
Mortgage Company	

Legal	
Legal Desc 1	
Legal Desc 2	PT 3059-60
Legal Desc 3	

Beginning Values	35%	100%
Land	83,990	239,980
Improvements	35,770	102,190
CAUV	0	0

Current Owner	
Owner 1	VALLEY ASPHALT CORPORATION
Owner 2	

District	
Name-School	MORAINES CITY-KETTERING CSD
Total Rate	80.9

Homestead	
Homestead	No
Deduction	

Sales	
Date	
Price	\$0.00

Current Values	35%	100%
Land	83,990	239,980
Improvements	35,770	102,190
CAUV	0	0

000040

Montgomery County

Real Estate

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Current Parcel ID: J44 26420 0001

Property Owner: GRILLOT MARGARET C

Tax Year: 2002

[Click to pay taxes](#)

Master Information

Parcel	
Address	
Class	C
Land Use Code	455
Neighborhood	C1103000
Total Acres	5.693

Tax Mailing Name and Address

non responsive

Mortgage Company

Legal

Legal Desc 1	5171 non responsive AND non responsive
Legal Desc 2	PLAT
Legal Desc 3	

Beginning Values	35%	100%
Land	99,630	284,650

Current Owner

Owner 1	non responsive
Owner 2	

District

Name-School	MORaine CITY-KETTERING CSD
Total Rate	80.9

Homestead

Homestead	No
Deduction	

Sales

Date	
Price	\$0.00

Current Values	35%	100%
Land	99,630	284,650

000042

Improvements	96,960	277,020
CAUV	0	0
Total	196,590	561,670

Improvements	96,960	277,020
CAUV	0	0
Total	196,590	561,670

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